REMARKS

Claims 1-73 were pending in this application. Claims 9-18, 27-35, and 51-73 have been withdrawn in response to restriction requirements. Claims 1-8, 19-26 and 36-50 remain for examination in this application, including independent claims 1, 19, and 36.

Claims 1-8, 19-26, and 36-50 have been rejected under 35 U.S.C. §103(a) as obvious over Markowitz in view of newly cited U.S. Patent 6,714,975 ("Aggarwal") and what the Examiner characterizes as Applicants' admitted prior art.

By way of background and illustration, claim 1 describes a method of placing a plurality of graphical objects on a page, such as a web page that is accessible by a user over the Internet. Each graphical object includes a link to information that can be invoked by an event, such as by a user clicking on the link with a computer pointing device. In the method of claim 1, performance data associated with the likelihood of the event occurring for each object is stored, where the performance data may be used, for example, to calculate the likelihood that a user will click on the object (click-through percentage). The graphical objects are arranged relative to one another on the page according to the performance data. Thus, for example, graphical objects can be arranged in descending order on a web page according to click-through percentage (e.g., one embodiment of claims 2 and 4), or click-through percentage multiplied by a weighting factor such as a cost-per-click (e.g., one embodiment of claims 3, 6 and 7).

Applicants submit that Markowitz is not applicable. Markowitz is directed to a method and apparatus for modifying an information page transmitted to a client computer over a network such as the Internet. First, a request to display an information page is received from a client computer. A central server then obtains the requested page, selects additional data (such as an advertisement), modifies the requested page to include the additional data, and sends the modified page to the client computer for display to a user. (See, e.g., Abstract; col. 2, lines 21-29.)

The system of Markowitz also determines where the advertisement is to be incorporated into the requested page (e.g., Fig. 3; col. 4, lines 11-17). For example, if the original page has empty areas, advertisements can be positioned there; if the

original page has no empty area, the page can be modified so that space is created for an advertisement (e.g., Fig. 4; col. 4, lines 20-33.)

However, Markowitz does not describe or suggest arranging a plurality of objects on a page relative to one another according to stored performance data for the respective objects, as recited for example in Applicants' claim 1. The Examiner states that the use in Markowitz of the history database 210 teaches prioritizing objects on the page according to stored performance data. Applicants disagree. The history database 210 in Markowitz may be used to help select an advertisement, but it is not used to position or prioritize advertisements relative to one another on the requested page (col. 3, lines 2-6). Accordingly, in the only example discussed in Markowitz that includes multiple advertisements (see Fig. 4, top), Markowitz does not say anything about prioritizing the objects on the page (col. 4, lines 20-25).

Thus, Markowitz is completely silent on at least one key feature of Applicants' claim 1 ("arranging the objects relative to one another on the page according to the performance data"), independent claim 19 ("prioritizing objects relative to one another on a page according to the [past performance] data"), and independent claim 36 ("objects are arranged relative to one another on the page using the calculated values" indicative of the rate that a specified event occurs for each graphical object displayed to the user).

The Examiner acknowledges "Markowitz does not explicitly point out that the rearrangement of the advertisement[s] is based on the user statistics and/or profiles, and the rearrangement is done relative to one another," but believes this feature is taught by Aggarwal. Applicants disagree.

Aggarwal describes a method for dynamically placing objects in slots on a web page in response to a client request for the web page, and particularly, making advertisement placement decisions "on the fly" depending on the characteristics of the requesting client or user (e.g., Abstract; col. 2, lines 33-38, 50-54). The most detailed explanation in Aggarwal of how advertisements are assigned to slots in web pages is provided in relation to Figs. 6-9. Generally, a "semantic diagram" as shown in Fig. 7 is constructed which correlates the type of each advertisement to the type of each web page (col. 8, lines 13-37). This diagram is used to generate a "possibility graph" as

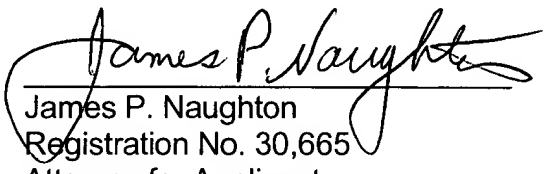
shown in Fig. 8 which shows all the possibilities for assigning advertisements to the web pages (col. 8, lines 13-17, 38-49). In the possibility graph, a flow weight is assigned to each arc 690 based on accumulated group click/exposure ratios; advertisement node flow requirements are assigned based on contract requirements (e.g., requiring 100,000 exposures per month); and page node flow requirements are assigned based on the popularity of the page (e.g., 30,000 clicks over the last month). (E.g., col. 8, lines 50-65.) The network flow problem is then solved to generate real-time selection data (col. 9, lines 6-15). In response to a client request for a particular web page, the advertisement with the largest outstanding requirements for that page is chosen and assigned to a slot in the page (col. 9, lines 16-46).

Thus, Aggarwal does not arrange advertisements relative to one another on a web page according to performance data of the advertisements. The passages in Aggarwal that are cited by the Examiner do not teach otherwise. In particular, the full quote in column 9 reads: "Additionally, since the advertisement slots could be of multiple sizes and in multiple locations, the slot size and location is also taken into account during the real-time assignment process." (Col. 9, lines 40-43.) Thus, if a particular advertisement would not fit in a particular slot or the slot does not meet a placement requirement of the advertisement, then the advertisement cannot be assigned to that slot. The full quote in column 3 reads: "Preferably, the method of the present invention further includes the step of collecting statistics representing the impact of different slot sizes and locations on click/exposure ratios for the user groups." (Col. 3, lines 64-67.) Contrary to the Examiner's suggestion, these user group statistics do not dictate the arrangement of advertisements on a page. As explained above, advertisements are assigned to slots on a web page according to a complicated procedure that seeks to assign advertisements having the largest outstanding requirements.

The rejected dependent claims are patentable over the cited art for at least the reasons explained above for the independent claims. Moreover, Applicants note that the specific rejections of the dependent claims are not explained. If these rejections are maintained, Applicants request an explanation of where the various additional features of the dependent claims are found in the cited art.

In conclusion, Applicants submit that the claims as presently worded are patentable over the cited art and respectfully request reconsideration and expedited allowance of this application in view of the foregoing remarks. Should the Examiner deem a telephone conference to be of assistance in advancing the application to allowance, the Examiner is invited to call the undersigned attorney James P. Naughton at (312) 321-4723.

Respectfully submitted,



James P. Naughton
Registration No. 30,665
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200